UNITED STATES BANKRUPTCY COURT DISTRICT OF MASSACHUSETTS

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ORDER RE: ONE BEACON INSURANCE COMPANY AND EMPLOYERS FIRE INSURANCE COMPANY'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY

At Springfield, in the Western District of Massachusetts, having come on to be heard before this Court, and after notice to all parties, it is hereby

ORDERED AND DECREED that the Motion of OneBeacon Insurance Company and Employers Fire Insurance Company for relief from the automatic stay is allowed and OneBeacon Insurance Company and/or Employers Fire Insurance Company is granted relief from the automatic stay so that it, and its successors and assigns, may commence and prosecute a third-party declaratory judgment and rescission action against David W. Berry d/b/a Berry Construction ("Berry") to determine their rights and obligations under certain general commercial liability policies issued to Berry in the civil action styled: Mt. Hawley Insurance Company v. MCMUSA, LLC, f/k/a MCMUSA, INC., Westchester Surplus Lines Ins. Co., Ohio Casualty Ins. Co., and One Beacon Insurance Co., C.A. No. 09-4252, now pending in the Middlesex County Superior Court.

SO ORDERED.

Dated: 3/4/10

Hon. Henry J. Boroff
United States Bankruptcy Judge